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# TOO GOOD TO BE TRUE....

A Column on Consumer Issues

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## MANAGING CHRISTMAS NIGHTMARES

It's true. Most U.S. adults believe it is better to give, than to receive, the perfect gift. For those on the quest for the perfect gift, there are many options. If all your gifts arrive on time and everyone likes them and if you like all of your gifts and don't have to return any of them, your Christmas will indeed be Merry! But, most of us have to settle for a holiday season less than perfect. The holidays can be the start of many consumer headaches, but with a little preparation you can avoid the stress.

Gift cards have become very popular in the past several years. These cards allow the recipient to "get what he or she really wants." Universal gift cards are the most frequently purchased and allow the recipient to go just about anywhere they want to make their purchase including retailers and restaurants. While gift cards can be the easy gift to buy for someone who has everything, they are not without problems.

In North Dakota, there is a law that addresses gift certificates/cards. This law states that the recipient may not be charged additional monthly or annual service or maintenance fees on gift certificate/cards. The time for redemption on the gift certificate/card may not be limited to a date before six years after the date of purchase or include on a gift certificate any statement suggesting that an expiration date or redemption date may apply to the gift certificate/card.

Perhaps you plan to order something to give as a Christmas gift, but are concerned it won't arrive in time. You can get some relief from the federal Mail Order Rule, which addresses two problems: failure to deliver and failure to make a prompt refund.

Under the rule, mail order merchants are required either to deliver prepaid merchandise in the time stated in the original offer or make a refund. If no time is stated, the company has 30 days to deliver. If your mail order delivery is late, contact the company immediately to request a refund.

If you have to return an item to a store, you have only limited rights. In North Dakota, no laws regulate store return policies. A store may set its own policy, which may include a cash refund, a store credit, an exchange, or no refund at all. Others may limit the amount of time in which a return may be made, such as 30 days from the date of purchase. It is best to ask about refund policies before buying anything.

You have more power with regard to unsatisfactory items purchased by credit card. Under the federal Fair Credit Billing Act (FCBA), you may dispute and withhold payment on credit card charges for goods and services that you did not accept or that were not delivered as agreed. You must send a written notice of the disputed charges to the

card company within 60 days after the first credit card statement was mailed to you. The credit card company has 30 days to respond to you.

You may also withhold payment if you are not satisfied with the quality of goods or services you purchased by credit card. However, first you must make a good faith effort to settle the disputed charge with the company. The back of your monthly credit card statement contains the basics of the FCBA.

Be smart about how you finance your holiday bills. Many companies allow you to “skip” a month’s payment, but this drives up your bill because interest charges continue to accrue. Unscrupulous advance fee loan companies also begin to operate after the holidays. Be careful with personal loan offers to finance a debt built up during the holiday shopping binges. Compare any interest rates with those of local financial institutions before making a decision. And never pay a large advance fee to secure a loan.

*The Attorney General’s Consumer Protection Division investigates allegations of fraud in the marketplace. Investigators also mediate individual complaints against businesses. If you have a consumer problem or question, call the Consumer Protection Division at 328-3404, toll-free at 1-800-472-2600, or 1-800-366-6888 (w/TTY). This article and other consumer information is located on our website at [www.ag.state.nd.us](http://www.ag.state.nd.us).*

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